

**JUDGE KAPLAN****08 CV 5716**

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 Kaufman Bros., L.P.

UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF NEW YORK

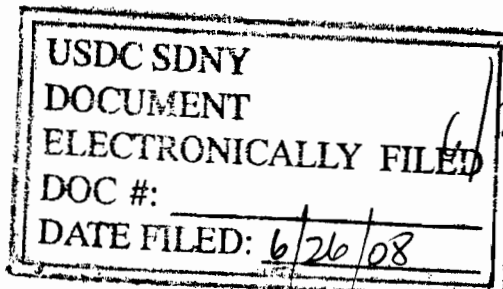
-----X  
 KAUFMAN BROS., L.P.,

Plaintiff,

- against -

ETELOS, INC.,

Defendant.  
 -----X



08 Civ. \_\_\_\_\_

**ORDER TO SHOW CAUSE  
 FOR PRELIMINARY  
 INJUNCTION, TEMPORARY  
 RESTRAINING ORDER AND  
 OTHER RELIEF**

*Request for order to  
 show cause is withdrawn  
 without prejudice at  
 request of movant.  
 So ordered.  
 Judge H. Stein  
 C.J. 505  
 PART I*

Upon the annexed affidavit of Craig Kaufman, sworn to on June 24, 2008, the complaint and the exhibits annexed thereto, and the accompanying memorandum of law submitted herewith, it is

**ORDERED**, that defendant show cause before a motion term of this Court, at Room \_\_\_\_\_, United States Courthouse, 500 Pearl Street, New York, New York, on June \_\_\_\_\_, 2008, at \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon of that day, or as soon thereafter as counsel can be heard, why an order should not be made and entered herein, pursuant to Rule 65 of the Federal Rules of Civil Procedure,

- (1) enjoining the defendant during the pendency of this action from cancelling any common stock in plaintiff's name;
- (2) directing the trial of the action on the merits to be advanced and consolidated with the hearing of the application for a preliminary injunction pursuant to Rule 65(a)(2); and
- (3) granting expedited discovery, with all discovery to be completed within thirty (30) days; and it is further

**ORDERED**, that sufficient reason appearing therefor, pending the hearing and determination of plaintiff's application for a preliminary injunction, pursuant to Rule 65 of the Federal Rules of Civil Procedure, the defendant is temporarily enjoined and restrained from cancelling any common stock in plaintiff's name; and it is further

**ORDERED**, that security in the amount of \$ \_\_\_\_\_ be posted by plaintiff prior to June \_\_\_\_, 2008 at \_\_\_\_\_ o'clock in the \_\_\_\_ noon of that day; and it is further,

**ORDERED**, that service of a copy of this order and the papers on which it is based together with service of the Summons and Complaint on defendant by overnight courier, pursuant to written agreement of the parties, on or before June \_\_\_\_, 2008 shall be deemed good and sufficient service; and it is further

**ORDERED**, that opposing papers, if any, shall be served by Federal Express upon plaintiff's counsel on or before June \_\_\_\_, 2008.

\_\_\_\_\_  
United States District Judge

June \_\_\_\_, 2008